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In re Application of :
VELLEKOOP et al. :
Application No.: 09/980,462 : DECISION ON
PCT No.: PCT/NL00/00371 : PAPERS UNDER 37 CFR 1.42
Int. Filing Date: 30 May 2000 :
Priority Date: 31 May 1999 :
Attorney Docket No.: 30893-1059 :
For: APPARATUS FOR MEASURING A
SMALL QUANTITY OF A LIQUID

This is a response to the declaration filed 19 July 2002, which is being treated as a request under 37 CFR 1.42. A four-month extension of time fee (\$720) has been charged to Deposit Account no. 13-4213. No petition fee is required.

BACKGROUND

On 30 May 2000, applicants filed international application PCT/NL00/00371, which claimed a priority date of 31 May 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 07 December 2000. A proper Demand was filed with the International Preliminary Examining Authority electing the United States. The election was made prior to the expiration of nineteen months from the priority date. As a result, the deadline for payment of the basic national fee was extended to expire on 31 November 2001.

On 30 November 2001, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee and a preliminary amendment.

On 24 January 2002, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that oath or declaration executed by the inventor and an English translation of the international application was required. The notification set a TWO (2) MONTH period for response.

On 19 July 2002, applicants filed a declaration/power of attorney executed by: Michael Johannes Vellekoop and Kari Tapani Hjelt as inventors; and Garrit Yho Warries on behalf of deceased inventor Gerrit Wijand Lubking.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration filed 19 July 2002 is executed by Garrit Yho Warries as the "executor" of the deceased inventor. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b). Accordingly, the requirements for entry into national stage under 35 U.S.C. 371(c) were completed as of 19 July 2002.

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

The application has an international filing date of 30 May 2000, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **19 July 2002**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.



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